



guardians of drinking water quality

## DRINKING WATER INSPECTORATE

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Information Letter 05/08

### **To: Board Level and Day to Day contacts of Water and Sewerage Companies and Water Companies in England and Wales**

Dear Sir/Madam

#### **Concessionary supplies – Further Guidance**

1. This letter provides guidance to water companies on the quality of water supplies which are provided to consumers free of charge (known as concessionary supplies). In general concessionary water supplies serve single dwellings located in a rural setting and originate as a consequence of an historic agreement with the land owner. In most instances these water supplies comprise the collection and conveyance of raw water derived from springs. The Inspectorate is aware currently of concessionary supplies provided by Severn Trent Water, Northumbrian Water, United Utilities, Yorkshire Water, Wessex Water and Welsh Water.

#### **Background**

2. Information Letter IL 2/2006 confirmed that concessionary supplies are subject to the requirements of the Water Supply (Water Quality) Regulations 2000 (in England) and 2001 (in Wales) (the Principal Regulations). The Principal Regulations have been subject to a number of amendments. The latest amendments, the Water Supply (Water Quality) Regulations 2000 (2001 in Wales) (Amendment Regulations 2007) came into force on 22 December 2007. In particular, IL 2/2006 reminded water companies that concessionary supplies are public water supplies and must be monitored in accordance with the Principal Regulations. The Inspectorate also confirmed that water companies could group all concessionary supplies together in one separate water supply zone for the purpose of determining frequencies of testing and for reporting of the results.

3. The results of monitoring reported to date demonstrate that many concessionary supplies do not meet all the drinking water standards reliably. This is because these supplies are either not receiving adequate treatment or there are problems with the maintenance of existing treatment devices. The Inspectorate is aware of at least one case where the owner of a property served by a concessionary supply has not co-operated with the water company over access in relation to the installation and maintenance of treatment. Nonetheless such problems do not relieve the company of its duty to supply wholesome water and to comply with Regulation 26A of the Amendment Regulations. The failures of drinking water standards most commonly reported to date are not trivial and cover a range of parameters e.g. coliforms, E.coli, pH, iron and colour. As a result the Inspectorate has a duty to consider enforcement action to secure improvements to these supplies.

#### **Action to be taken by water companies**

4. The Inspectorate expects water companies to notify local authorities of the existence and location of all concessionary supplies in their area. This is particularly important where there is a likelihood that a concessionary water supply could be used for a commercial activity (such as Bed and Breakfast accommodation, camp sites, food production or catering services). Local Authorities should be made aware of the results of monitoring undertaken by the water company and the nature and extent of the treatment in place. The purpose of notifying local authorities is to enable them to consider whether action is required by them in respect of the commercial use of the concessionary water supply. Notification also assists local authorities in meeting their general duty to be satisfied about the quality of all public water supplies in their area.
5. For each concessionary supply, water companies are advised to carry out a risk assessment as required by Regulation 27 of the Amendment Regulations 2007 (using water safety plan methodology) in order to establish whether there is a risk of supplying water that could constitute a potential danger to human health. These risk assessments should be prioritised and undertaken as soon as practicable. Where the risk assessment identifies the need for improvements, the water company should consider the short, medium and long term options available to mitigate the risk. Examples of long term options may be a connection to a nearby treated water distribution pipe or the bringing back into service of a previously abandoned service reservoir.
6. Risk assessments under Regulation 27 should also identify the short term control measures in place at the time of the risk assessment together with details of any additional short term control measures that the company intends to put in place as a consequence of the risk assessment. These

control measures must be informed by an appropriate raw water monitoring programme in accordance with Regulation 16A of the Amendment Regulations 2007. Companies are reminded that current and future short-term control measures need to be fit for purpose particularly in respect meeting the disinfection and treatment requirements of Regulation 26A of the Amendment Regulations 2007. Regulation 31 of the Water Supply (Water Quality) Regulations 2000 (in England) and 2001 (in Wales) also applies.

7. The Inspectorate understands that some companies have adopted point of use devices as their preferred control measure for concessionary supplies. To be effective such control measures require the full co-operation of the property owner(s) and the occupiers (where these are not the owners) to facilitate the installation and then to carry out essential maintenance and monitoring. Experience has shown that such co-operation is not always forthcoming even following a written letter to the owner/occupier explaining that the results of monitoring show that such control measures are essential for the protection of public health. Accordingly, when assessing companies' risk assessments and monitoring data, the Inspectorate will check for evidence that point of use control measures are supported by a formal agreement allowing access for installation, maintenance and monitoring.

#### **Other Matters**

8. When preparing this guidance, the Inspectorate has taken into account of concerns expressed by the Consumer Council for Water and Ofwat regarding the costs associated with ensuring the safety and quality of concessionary supplies. Such concerns are one of the reasons why the Inspectorate has drawn attention to the need for water companies to fully involve local authorities in dealing with the concessionary supplies. Local authorities as advised by the local Director of Public Health/Consultant in Communicable Disease Control are best placed to address the concerns of other stakeholders regarding public health benefit. By enabling water companies to combine all concessionary supplies into a single water supply zone for monitoring purposes (IL 2/2006), the Inspectorate has taken steps itself to ensure that the drinking water quality monitoring costs incurred by companies (and their customers) are proportionate and no more than the essential minimum regulatory requirement. Furthermore through the issuing of this guidance the Inspectorate is making fully transparent its duty to take enforcement action for recurrent breaches of drinking water quality standards associated with concessionary supplies. Companies are reminded that any failure to comply with Regulation 26A and Regulation 31 is a criminal offence.
9. Copies of this letter are being sent to Pamela Taylor, Chief Executive, Water UK; Richard Wood, Water Supply and Regulation Division, Department for Environment, Food and Rural Affairs; Natalie Howes, Climate Change and Water Division, Welsh Assembly Government; Colin McLaren, Drinking Water

Quality Regulator for Scotland; Randal Scott, Drinking Water Inspectorate for Northern Ireland; Tony Smith and Chairs of the Regional Consumer Council for Water; Rowena Tye for Office of Water Services; Tony Warn, Environment Agency; Nigel Harrison, Food Standards Agency; and Gary Coleman at the Health Protection Agency.

10. This letter is being sent electronically to Board Level and day to day contacts. Please acknowledge receipt by email to [dwi.enquiries@defra.gsi.gov.uk](mailto:dwi.enquiries@defra.gsi.gov.uk). Hard copies are not being sent but the letter may be freely copied. Any enquiries about the letter should be addressed directly to Claire Pollard (020 7270 3395), or [claire.pollard@defra.gsi.gov.uk](mailto:claire.pollard@defra.gsi.gov.uk).

Yours sincerely

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